

Magistrate Judge James P. Donohue

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,

v.
SEAN WILLIAM DOAK,
Defendant.

CASE NO. CR08-244RSL

GOVERNMENT'S RESPONSIVE
PLEADING FOR DETENTION
HEARING

November 24, 2015 at 11:00 a.m.

COMES now the United States of America, by and through Annette L. Hayes, United States Attorney for the Western District of Washington, and Susan M. Roe, Assistant United States Attorney for said district, and files this short pleading in response to the defendant's submission on the issue of pretrial release.

The defendant has been indicted on a Conspiracy to Possess with the Intent to Distribute more than five kilograms of cocaine, more than 1.000 kilograms of marijuana and thousands of pills of MDMA, in violation of Title 21, USC Sections 841(a)(1) and (B)(1)(A) and 846. If convicted, he faces a minimum mandatory term of imprisonment of ten years and a possible term of life. Consequently, the strong statutory presumption for detention set out in 18 USC 3142(f) applies.

Additionally, in this case, a rough estimate of the applicable guidelines based on the seized cocaine alone imported by the use of the non-commercial aircraft yields a sentencing range of 188 to 235 months. Mr. Doak faces a long prison term if convicted.

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2 The defendant has a prior conviction for similar criminality, that is, for Distribution of
3 Marijuana in British Columbia, Canada for which he was sentenced to a prison term of seven
4 years on May 31, 2007. He served only several months in custody in a facility on the
5 outskirts of Victoria, BC, before being released on “day parole” and “parole.” It was during
6 this period that Mr. Doak re-engaged in the drug business set out in the Indictment. The fact
7 that he conspired while under supervision of a court system argues that there is no set of
8 conditions that will keep him law abiding.

9 Extraditing Mr. Doak has been a lengthy process. Mr. Doak has lost every legal issue
10 in this appeal since 2012. *See* Attachment 1, Letter from Justice Canada and Order of
11 Extradition. He has been in and out of custody on the matter during the proceedings and,
12 most recently, has been in custody since October 28, 2015 when he was surrendered
13 following the dismissal of his final appeal.

14 Mr. Doak appears to have been compliant when released in Canada. Mr. Doak was
15 highly motivated to be compliant while his appeal was pending in Canada. His compliance
16 was necessary to continue his appeal and to extend the length of the appeal process. His
17 pattern while in Canada, however, is not significant at this stage. Mr. Doak is in a much
18 different posture now – failing to appear would begin the extradition process all over. This
19 significant change in motivation for non-appearance alone gives rise to a serious risk that
20 Mr. Doak will flee. Further, he is a Canadian citizen who has never resided in the United
21 States and has no connection to this area. His support network and devoted family in Canada
22 all add to his risk of non-appearance in the United States.

23 Finally, in yesterday’s pleading, Mr. Doak presents as seriously physically
24 handicapped who only vigorously appealed the Order of Surrender, dated August 12, 2013,
25 solely for the purpose of getting critical medical attention. His father wrote that Mr. Doak
26 was so incapacitated that “... he could do little or no work.” (*See* Letter of Walt Doak).

27 In contrast, a letter sent April 2, 2013, to the Canadian court by Mr. Doak’s Canadian
28 counsel touts him as being “very industrious,” attending school and getting good grades,

1 registering at the University of Athabasca in a Bachelor of Computer Information program,
2 volunteering at a Health Retreat Center, demonstrating his line of vegan food, and putting
3 “significant efforts into building a food cart for the sale of his vegan/vegetarian products.”
4 *See* Letter from Gary Botting, page 12. Mr. Doak himself also wrote a letter of the Court,
5 dated April 12, 2013, commenting on his cardiologist’s submission to the Courts that Mr.
6 Doak’s medical problems stem from his weight and his failure to comply with medical
7 directives. *See* Attachment 2, Botting Letter and Letter from Sean Doak. The government
8 does not dispute Mr. Doak’s fight with obesity and the attendant medical issues, however it
9 is not relevant to the question of whether Mr. Doak can overcome the presumption of
10 detention.

11 The government urges the Court to detain the defendant.

12 Dated: November 24, 2015.

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14 Respectfully submitted,

15 ANNETTE L. HAYES
16 United States Attorney

17 /s/ Susan M. Roe

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CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney(s) of record for the defendant(s). I hereby certify that I have served the attorney(s) of record for the defendant(s) that are non CM/ECF participants via e-mail and/or telefax.

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